

Appl. No. : 10/078,283  
Filed : February 14, 2002

### REMARKS

Applicant initially would like to thank the Examiner for conducting a telephone interview with Applicant's representative on April 19, 2006, as summarized above.

Claims 4, 6-9, 19-31 and 34-45 were pending in the application. Claims 24 and 25 have been amended. Claims 7, 8, and 34-36, have been canceled. Claims 4 and 37-45 have been withdrawn. New Claims 46-47 have been added. Accordingly, Claims 6, 9, 19-31, and 46-47 are presented for consideration.

#### Election of Species

The Examiner asserted that the application contained patentably distinct species corresponding to Figures 1, 2, 3, 4, 8, 9 and 10, 11 and 12, and 13. Applicant has added Figure 8A herein to illustrate a variation of the embodiment of Figure 8 described in the specification as originally filed. See, e.g., Abstract. Because the Examiner regards Figures 3 and 8 as being patentably distinct, it appears that Figures 8A and 8B, added herein, also would be regarded as patentably distinct. If that is not the case, Applicant respectfully requests the Examiner to so indicate. Presuming that the Examiner would regard Figures 8A and 8B as patentably distinct, Applicant provisionally elects Figure 8A consistent with the interview summarized above. Claims 6, 9, 19-31, 46, and 47 read on the variation shown in Figure 8A. At least Claim 6 also reads on the variation shown in Figure 8B added herein. Applicant does not concede that the claims are limited to the variations described in connection with Figures 8A and 8B.

#### Support For Pending Claims In the Specification and Claims as Filed

Without making a specific rejection, the Examiner asserted that the application as filed has "no teaching of an embodiment having a redirecting tip attached to a lumen of a coaxial lumen as claimed in claim 6." *Restriction Requirement* at p. 2. Applicant respectfully disagrees. For example, the Abstract of the specification as filed notes that the application is directed to a multilumen catheter that comprises:

a proximal end, a first distal and a second distal end with first and second lumens extending from the proximal end to each of these distal ends to provide for blood circulation within one blood vessel or between two different blood vessels. **The second lumen, and any additional lumens so desired, may be positioned**

***coaxially with or radially around the first lumen. Redirecting means is provided at a distal end of at least one of said lumens for directing blood in a direction generally opposite of the direction of flow through said lumen.***

Moreover, in connection with the embodiment of Figure 1, the specification recites that first and second lumens 12, 14 of the multilumen catheter 10 “may be arranged one of many different ways” and notes that “[a] cylindrical housing with concentrically positioned lumens is also contemplated.” See original Paragraph [0030] and original Figure 9. Also, the specification notes that the embodiment of Figure 8 has a redirecting tip or redirecting means that can include features illustrated in Figure 8 or in connection with the “J-tip configuration.” See, e.g., original Paragraphs [0042]-[0043] and [0046].

For the reasons set forth above, Applicant respectfully submits that the specification as filed supports a claim directed to a multilumen catheter that includes either a coaxial or a side-by-side set of lumens with either a redirecting tip, as illustrated in Figure 8 or a redirecting tip, as illustrated in Figure 3. For at least the reasons discussed above, new Figures 8A and 8B do not illustrate new matter.

#### SUMMARY

Applicant respectfully submits that the claims are in condition for allowance. Furthermore, any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Although changes to the claims have been made, no acquiescence or estoppel is or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter.

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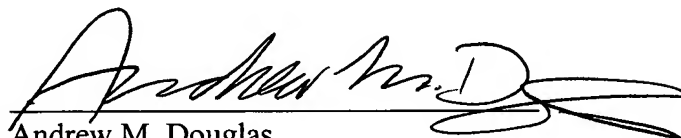
Applicant respectfully requests that a Notice of Allowance be issued at the earliest opportunity.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 10, 2006

By:



Andrew M. Douglas  
Registration No. 51,212  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

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### **SUMMARY OF INTERVIEW**

#### Exhibits and/or Demonstrations

None

#### Identification of Claims Discussed

Claim 6

#### Identification of Prior Art Discussed

None

#### Proposed Amendments

None

#### Principal Arguments and Other Matters

Discussed where in the specification support can be found for Claim 6 and claims depending therefrom.

#### Results of Interview

Applicant to review pending claims, particularly dependent claims, in connection with restriction requirement and to respond accordingly.

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### **AMENDMENTS TO THE DRAWINGS**

The attached sheets of drawing include new Figures 8A and 8B.

**Attachments:** Replacement sheets for eight (8) originally-filed drawing sheets and two (2) new drawing sheets.